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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,763	03/20/2002	Josef Baumeister	112740-550	2280

29177 7590 04/21/2004

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EXAMINER

DEANE JR, WILLIAM J

ART UNIT	PAPER NUMBER
2642	

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/088,763

Applicant(s)

BAUMEISTER ET AL.

Examiner

William J Deane

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 13 are rejected under 35 U.S.C. 102(b) as being anticipated by EP0 924 918 (Wong).

Wong teaches the claimed device as shown in paragraphs 0009 – 0015, paragraphs 0018 – 0023, paragraph 0029, paragraph 0034 and paragraph 0039 – 0040. In addition, note Fig. 1.

In addition, claims 1 – 13 are further rejected as follows:

Claims 1 and 6 - 13 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 98/57501 (May).

With respect to claim 1, note page 2, lines 10 – 13, subscriber terminal interface (page 3, line 30 (the wireless/cellular link)), standard data interface (see page 3, line 32 (data link)) and a subscriber line adapter for connecting the base unit to a service provider (page 4, lines 17 – 26, page 17, lines 19 – 22) and the base unit having a transmission type evaluation unit that converts data to the recognized voice/data connection between the subscriber terminal interface and the packet-switched network or the circuit switched network (see page 5, lines 3 – 5 and 13 – 17).

With respect to claim 6, page 2, lines 17 – 20, lines 25 – 31.

With respect to claims 7 – 9 and 25, such limitations are inherent from the discussion above.

With respect to claim 10, note Page 17, lines 1- 3.

With respect to claim 11, note Page 3, lines 27 – 30,

With respect to claim 13, note Page 4, lines 12 – 14.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 – 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 98/57501 (May).

May teaches the claimed device as discussed above and the limitations of claims 2 – 5 are nothing more than obvious design choices. It would have been obvious to one of ordinary skill in the art to have incorporated the design choices as claimed in claims 2 – 5 as such would only entail substituting one obvious design choice for another.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent No. 6,714,638 (Kinoshita) – note Abstract;

U.S. Patent No. 6,292,480 (May) – note Abstract; and


U.S. Patent Application No. (Hyder et al.) – note Abstract and Figs.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (703) 306-5838. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 872-9306.

08Apr04


WILLIAM J. DEANE, JR.
PRIMARY EXAMINER